IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO.93 OF 2005

IN

CHAMBER SUMMONS NO. 34 OF 2005

IN

PETITION NO. 516 OF 1988

ZARINE DADI PALKIVALA & ORS. ... PETITIONERS.

VS.

STATE BANK OF INDIA & ANR. ... RESPONDENTS.

MR. MANOJ SALVI I/B. BANATWALA & CO. FOR THE PETITIONERS.

MR. ARUN PALEKAR I/B. S.ASHWINIKUMAR & CO. FOR THE RESPONDENTS.

Coram : S.K.Shah, J.

Date : February 17, 2006.

P.C.

1. Heard the learned Counsel on both sides.

2. The alleged contempt is of the Order, dated 23rd June, 2005. This Order is in three parts, as

follows :-

> The first is directing the Petitioners, who are the Respondents herein, to furnish the details to the applicant about the bequest, which is coming to their share under the Will.

About this part, the compliance has been done and the necessary details have been furnished.

> The second part is about distribution thereof to the applicant. That has also been done as specified in the Respondent’s Reply dated 21st July, 2005, which is concerning clause 8 of the Will.

> The third part reads as under :-

> > "...If there is any bequest under the Will, which is yet not disbursed to the applicant, then the Petitioner shall do so within a period of four weeks from today."

This is concerning clause No. 10 of the subject Will. As per clause 10 of the subject Will, it is to be the

property of Mancherji Cawasji Kapadia, the husband of the deceased and as mentioned in this clause is that the property would come to the beneficiaries, after the death of her husband who is Mancherji Cawasji Kapadia and the same was directed to be distributed.

3. The learned Counsel for the Respondents submits that they have not yet received any property under the Will of Mencherji Cawasji Kapadia and, therefore, there is no question of distribution thereof. This aspect has been disputed by the Petitioner. However, we cannot go into that aspect. As such there is nothing to take action against the respondents. The contempt petition accordingly stands dispose of.

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[S.K.Shah , J.]